

1 DONALD F. ZIMMER, JR. (State Bar No. 112279)
2 KRISTA L. COSNER (State Bar No. 213338)
3 DRINKER BIDDLE & REATH LLP
4 50 Fremont Street, 20th Floor
5 San Francisco, California 94105
6 Telephone: (415) 591-7500
7 Facsimile: (415) 591-7510
8
9 Attorneys for Defendant
10 SMITHKLINE BEECHAM CORPORATION d/b/a
11 GLAXOSMITHKLINE

8 UNITED STATES DISTRICT COURT
9 NORTHERN DISTRICT OF CALIFORNIA
10 SAN FRANCISCO DIVISION

11 JAMES DALE SIMS, an individual, and
12 LINDA SIMS, an individual

13 Plaintiffs,

14 v.

15 SMITHKLINE BEECHAM
16 CORPORATION d/b/a
17 GLAXOSMITHKLINE,

18 Defendant.

Case No. CV-08-0364 EDL

**ADMINISTRATIVE MOTION TO
CONSIDER WHETHER CASES
SHOULD BE RELATED
[CIV. L.R. 3-12 and 7-11]**

19
20 Pursuant to Civil L.R. 3-12 and 7-11, Defendants SMITHKLINE BEECHAM
21 CORPORATION d/b/a GLAXOSMITHKLINE, by and through counsel, hereby requests
22 that this action be deemed related to the following actions previously assigned and/or
23 transferred to the Honorable Marilyn H. Patel. Defendant has or will be requesting
24 transfer to MDL 1871, *In re Avandia Marketing, Sales Practices and Products Liability*
25 *Litigation*, United States District Court for the Eastern District of Pennsylvania. Each of
26 the following actions alleges personal and/or economic injuries related to the use of the
27 prescription drug Avandia®:

28 1. *Bone, Dorothy, et al. v. SmithKline Beecham Corporation d/b/a*

GlaxoSmithKline and McKesson Corporation, United States District Court for the Northern District of California, Case No. CV 07 5886 MHP, Judge Marilyn H. Patel;

2. *Bowles, Richard v. SmithKline Beecham Corporation d/b/a*

GlaxoSmithKline and McKesson Corporation, United States District Court for the Northern District of California, Case No. CV 07 6328 MHP, Judge Marilyn H. Patel;

3. *Fisher, George v. SmithKline Beecham Corporation d/b/a GlaxoSmithKline and McKesson Corporation*, United States District Court for the Northern District of California, Case No. CV 07 5889 MHP, Judge Marilyn H. Patel;

4. *Hall, James v. SmithKline Beecham Corporation d/b/a GlaxoSmithKline and McKesson Corporation*, United States District Court for the Northern District of California, Case No. CV 07 5887 MHP, Judge Marilyn H. Patel;

5. *Hefner, Rose et al. v. SmithKline Beecham Corporation d/b/a GlaxoSmithKline and McKesson Corporation*; United States District Court for the Northern District of California, Case No. CV 07 6050 MHP, Judge Marilyn H. Patel, request for relation pending;

6. *Jefferson, James v. SmithKline Beecham Corporation d/b/a GlaxoSmithKline and McKesson Corporation*, United States District Court for the Northern District of California, Case No. CV 07 5888 MHP, Judge Marilyn H. Patel;

7. *Thornton, Hector v. SmithKline Beecham Corporation d/b/a GlaxoSmithKline and McKesson Corporation*, United States District Court for the Northern District of California, Case No. CV 07 5890 MHP, Judge Marilyn H. Patel;

8. *Upshaw, Ivan v. SmithKline Beecham Corporation d/b/a GlaxoSmithKline and McKesson Corporation*, United States District Court for the Northern District of California, Case No. CV 07 5891 MHP, Judge Marilyn H. Patel.

///

///

///

///

1 WHEREFORE, Defendant respectfully requests that this case be deemed related
2 for purposes of Civil L.R. 3-12.

3
4
5 Dated: February 6, 2008

DRINKER BIDDLE & REATH LLP

6 */s/ Krista L. Cosner*
7 KRISTA L. COSNER

8 Attorneys for Defendant
9 SMITHKLINE BEECHAM
CORPORATION d/b/a
10 GLAXOSMITHKLINE
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28